

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION)	
)	JUDGE POLSTER
THIS DOCUMENT RELATES TO:)	
“All Cases”)	
)	
)	<u>STATEMENT CLARIFYING</u>
)	<u>ORDER APPOINTING</u>
)	<u>INTERIM CLASS COUNSEL</u>

This Court entered an Order appointing interim class counsel in connection with a Rule 23(b)(3) Cities/Counties Negotiation Class. *See* docket no. 2490 (“*Interim Class Order*”). Shortly thereafter, the parties and the Court received inquiries from the press asking for explanation regarding a statement in the *Interim Class Order* that certain “lawyers therefore have a conflict of interest that bars them from representing, and negotiating on behalf of, the putative class.” *Id.* at 2 (referring to “Russell Budd, Elizabeth Cabraser, Paul Geller, Joe Rice, and Troy Rafferty”).

The Court makes clear here that these attorneys have all been extremely helpful in pursuing litigation and settlement negotiations in this case and have *not* done anything unethical or otherwise inappropriate. Indeed, several of their clients submitted to the Court documents stating they do not believe there is a conflict of interest and waive any such conflict if it does exist. Nonetheless, the Court is being extremely careful to ensure that, if the negotiation class process goes forward, no potential conflict of interest can or will arise. The Court’s appointment of the chosen interim counsel is designed to protect against *any possible future suggestion* that the negotiation class

mechanism, which is novel, is flawed because of a conflict of interest.

To be clear: counsel named above on the MDL negotiation team (and their clients) have *not* labored in this case under any conflict of interest and the Court did not mean to so suggest.

IT IS SO ORDERED.

/s/ *Dan Aaron Polster*

DAN AARON POLSTER

UNITED STATES DISTRICT JUDGE

Dated: August 20, 2019